

# North Carolina Court of Appeals

Court of Appeals Building  
One West Morgan Street  
Raleigh, North Carolina 27601

This calendar is available at: <https://appellate.nccourts.org/calendar.php?court=2>

All oral arguments on this calendar will be heard via Webex, subject to change based on courtroom safety. Cases will be called on the days calendared in the order listed. The Court, however, may reorder the schedule in the event it grants a request for an oral argument to occur by Webex.

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## COURT CALENDAR BY PANEL

Thursday, 1 November 2018

### PANEL NO. 5

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE MARK A. DAVIS  
HONORABLE HUNTER MURPHY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 1ST OF NOVEMBER 2018**  
**AT 9:30 a.m.**

Rodriguez-Hernandez v. Callaghan & Calla...	18-98	N.C. Industrial Commission
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 1ST OF NOVEMBER 2018**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Warren	18-223	Pitt
State v. Applewhite	18-340	Wayne
State v. Gould	18-425	Bertie
Banyan GW, LLC v. Wayne Preparatory Acad...	18-378	Wake
Helbein v. Helbein	18-383	Mecklenburg
In re: B.W.	18-437	Wake
Bank of Am., N.A. v. McFarland	18-489	Durham
Frangiosa v. Adams Auto Grp. Inc.	18-516	Mecklenburg

Sent Date: 1 October 2018

# North Carolina Court of Appeals

Court of Appeals Building  
One West Morgan Street  
Raleigh, North Carolina 27601

## 3.1 Calendar

Thursday, 8 November 2018

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **8 NOVEMBER 2018** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

In re: D.A.	18-287	Wake
In re: L.S. & I.S.	18-486	Robeson
In re: E.W.	18-487	Mecklenburg
In re: N.H.	18-493	Buncombe
In re: M.A.K. & L.A.K.	18-499	Greene
In re: Y.I. & J.I.	18-654	Union

# North Carolina Court of Appeals

Court of Appeals Building  
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Raleigh, North Carolina 27601

## Supplemental Calendar

Friday, 9 November 2018

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **9 NOVEMBER 2018** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Parrish	18-77	Rowan
State v. Little	18-199	Forsyth
State v. Game	18-306	Randolph
State v. Flores	18-326	Cleveland
State v. Williams	18-402	Davie
State v. Brown	18-467	Pitt

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## COURT CALENDAR BY PANEL

Tuesday, 13 November 2018

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE CHRIS DILLON  
HONORABLE VALERIE J. ZACHARY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 13TH OF NOVEMBER 2018 AT 9:30 a.m.**

State v. Conley	18-305	Macon
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THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 13TH OF NOVEMBER 2018**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Shuler	18-416	Swain
State v. Hinton	18-530	Wake
Onizuk v. Onizuk	18-461	Craven
The Est. of William Belk v. Boise Cascad...	18-542	Lee
Ramsey v. Ramsey	18-600	Buncombe
Swanson v. Enloe	18-617	Caldwell
Dingeman v. Mission Health Sys., Inc.	18-634	N.C. Industrial Commission
In re: E.M.	18-685	Mecklenburg

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## COURT CALENDAR BY PANEL

Wednesday, 14 November 2018

### PANEL NO. 3

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE MARK A. DAVIS  
HONORABLE PHIL BERGER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF NOVEMBER 2018 AT 9:30 a.m.**

BDM Invs. v. Lenhil, Inc.	18-533	Brunswick
Marlin Leasing Corp. v. Essa	18-610	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF NOVEMBER 2018**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Schricker	18-338	Wake
State v. Ardrey	18-460	Mecklenburg
State v. Bunkley	18-545	Cumberland
Makar v. Mimosa Bay Homeowners Ass'n, In...	18-547	Onslow
Rmah v. USAA Cas. Ins. Co.	18-623	Wake
In re: Toulouse	18-635	Greene
Fischer v. Fagan	18-713	Polk

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## COURT CALENDAR BY PANEL

Wednesday, 14 November 2018

### PANEL NO. 1

HONORABLE LINDA M. MCGEE  
HONORABLE RICHARD DIETZ  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF NOVEMBER 2018 AT 10:00 a.m.**

Lamb v. Styles                      18-350                      Madison

**NOTE:** Oral argument will be held at the following location:

**Catawba County Justice Center  
100 Government Drive, Room #2009  
Newton, N. C. 28658**

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## COURT CALENDAR BY PANEL

Wednesday, 14 November 2018

### PANEL NO. 4

HONORABLE DONNA STROUD  
HONORABLE RICHARD DIETZ  
HONORABLE HUNTER MURPHY

**Note: Judge Chris Dillon will sit for Judge Richard Dietz - COA#18-553.**

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 14TH OF NOVEMBER 2018**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Stancil	18-346	Wayne
State v. Anthony	18-403	Mecklenburg
State v. Gilchrist	18-479	Moore
Stern v. Stern	18-523	Mecklenburg
Winston Affordable Hous., L.L.C. v. Robe...	18-553	Forsyth
Kennedy v. DeAngelo	18-603	Wake
Spencer v. Portfolio Recovery Assocs., L...	18-629	Yadkin
Foster v. Wells Fargo Bank, N.A.	18-643	Durham
Jackson v. The Timken Co.	18-695	Gaston

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## COURT CALENDAR BY PANEL

Thursday, 15 November 2018

### PANEL NO. 5

HONORABLE JOHN M. TYSON  
HONORABLE LUCY N. INMAN  
HONORABLE JOHN ARROWOOD

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 15TH OF NOVEMBER 2018**  
**AT 9:30 a.m.**

State v. Baker	18-527	Pitt
Brinkley Props. of Kings Mountain, LLC v...	18-615	Cleveland

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 15TH OF NOVEMBER 2018**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Noble	18-299	Onslow
State v. Stancill	18-528	Pitt
Peeler v. Joseph	18-488	Mecklenburg
Sides v. Ashley Furniture Indus., Inc.	18-588	N.C. Industrial Commission
Zak v. Sweatt	18-616	Moore
Funderburk v. City of Greensboro, NC	18-632	Guilford
Carey v. Cherubini	18-678	Pender



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## COURT CALENDAR BY PANEL

Thursday, 15 November 2018

### PANEL NO. 1

HONORABLE RICK ELMORE  
HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE MARK A. DAVIS

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 15TH OF NOVEMBER 2018**  
**AT 9:30 a.m.**

State v. Cody	18-503	Guilford
Snowshoe LTC Grp., LLC v. Foust	18-474	Guilford

**NOTE:** Oral argument will be held at the following location:

**Guilford County Courthouse**  
**201 South Eugene Street**  
**Room 3H**  
**Greensboro, N. C. 27401**

# North Carolina Court of Appeals

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## Supplemental Calendar

Monday, 26 November 2018

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **26 NOVEMBER 2018** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

Brunson v. Off. of The NC Gen. Assembly	18-567	N.C. Industrial Commission
Brunson v. Off. of the Dist. Att'y For T...	18-568	N.C. Industrial Commission
Brunson v. Off. of the 12th Judiciary	18-569	N.C. Industrial Commission
Brunson v. Off. of the Dist. Att'y for t...	18-570	N.C. Industrial Commission
Brunson v. Off. of the Governor Of The S...	18-571	N.C. Industrial Commission
Brunson v. Off. of the Dist. Att'y for t...	18-572	N.C. Industrial Commission
Brunson v. Off. of the 12th Judiciary	18-573	N.C. Industrial Commission
Brunson v. NC Dep't of Pub. Safety	18-657	N.C. Industrial Commission
Brunson v. Off. Of The Dist. Att'y For T...	18-658	N.C. Industrial Commission
Brunson v. NC Innocence Inquiry Comm'n	18-659	N.C. Industrial Commission

Sent Date: 13 November 2018

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Tuesday, 27 November 2018

### PANEL NO. 2

HONORABLE WANDA G. BRYANT  
HONORABLE CHRIS DILLON  
HONORABLE VALERIE J. ZACHARY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **TUESDAY, 27TH OF NOVEMBER 2018 AT 9:30 a.m.**

State v. Disorda	18-620	Lincoln
In re: George	18-611	Mecklenburg

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **TUESDAY, 27TH OF NOVEMBER 2018**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Kingsberry	18-226	Vance
State v. Mooney	18-368	Transylvania
State v. Gibson	18-454	Catawba
State v. Jones	18-502	Mecklenburg
State v. Juene	18-526	Guilford
State v. Wilson	18-550	Union
State v. Sydnor	18-589	Chowan
State v. Blue	18-677	Davidson
Flores v. Flores	18-230	Lenoir
Gray v. NC Dep't of Pub. Safety	18-446	Office of Admin. Hearings

Sent Date: 30 October 2018

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 28 November 2018

### PANEL NO. 3

HONORABLE ROBERT N. HUNTER, JR.  
HONORABLE MARK A. DAVIS  
HONORABLE PHIL BERGER, JR.

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF NOVEMBER 2018 AT 9:30 a.m.**

State v. Steen	18-233	Rowan
State v. Morales	18-539	Wake

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF NOVEMBER 2018**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Woods	18-442	Guilford
State v. Clemons	18-469	Forsyth
State v. Willis	18-507	Lenoir
State v. Hopper	18-558	Cabarrus
State v. Moore	18-591	Pitt
State v. Hughes	18-631	Randolph
State v. Newsome	18-707	New Hanover
Morgan v. Defeo	18-322	Iredell
Assoc. Behav. Servs., Inc. v. Smith	18-463	Robeson
Cannizzaro v. Set in Stone, Inc.	18-594	Iredell

Sent Date: 30 October 2018

# North Carolina Court of Appeals

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## COURT CALENDAR BY PANEL

Wednesday, 28 November 2018

### PANEL NO. 4

HONORABLE DONNA STROUD  
HONORABLE RICHARD DIETZ  
HONORABLE HUNTER MURPHY

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF NOVEMBER 2018 AT 1:00 p.m.**

Harper v. Vohra Wound Physicians of NY	18-355	Mecklenburg
Julian v. The Univ. of NC Health Care Sy...	18-477	Orange

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **WEDNESDAY, 28TH OF NOVEMBER 2018**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Parks	18-422	Wake
State v. Everett	18-449	Scotland
State v. Rollins	18-490	Watauga
State v. Brewer	18-546	Pender
State v. Otto	18-574	Forsyth
State v. Guevara	18-582	Alamance
State v. Bryan	18-605	Cumberland
State v. Cooper	18-637	Beaufort
State v. Benson	18-732	Person
Walsh v. Jones	18-496	Duplin

Sent Date: 30 October 2018

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## COURT CALENDAR BY PANEL

Thursday, 29 November 2018

### PANEL NO. 5

HONORABLE JOHN M. TYSON  
HONORABLE LUCY N. INMAN  
HONORABLE JOHN ARROWOOD

**Note: Judge Robert N. Hunter, Jr. will sit for Judge Lucy N. Inman - COA#17-1280.**

**Note: Judge Wanda G. Bryant will sit for Judge John Arrowood - COA#17-1280.**

THE FOLLOWING CASE(S) ARE SCHEDULED FOR ORAL ARGUMENTS ON **THURSDAY, 29TH OF NOVEMBER 2018 AT 9:30 a.m.**

State v. Smith	18-518	Wake
Lake v. State Health Plan For Teachers &...	17-1280	Gaston

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENTS ON **THURSDAY, 29TH OF NOVEMBER 2018**. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

State v. Timmons	18-618	Mecklenburg
State v. Hayward	18-650	Mecklenburg
State v. Floars	18-699	Pitt
State v. Jones	18-700	Pitt
State v. Gross	18-701	Pitt
State v. Hill	18-702	Pitt
State v. Joyner	18-703	Pitt
State v. Weaver	18-740	Burke
Walton v. Walton	18-410	New Hanover
Jones v. Jones	18-478	Lee

Sent Date: 30 October 2018

# North Carolina Court of Appeals

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## 3.1 Calendar

Thursday, 29 November 2018

PANEL NO. 0

THE FOLLOWING CASE(S) WILL BE HEARD WITHOUT ORAL ARGUMENT ON **29 NOVEMBER 2018** BY PANEL TO BE DESIGNATED BY THE CHIEF JUDGE. COUNSEL ARE HEREBY NOTIFIED NOT TO APPEAR FOR ORAL ARGUMENTS PURSUANT TO 30(f) OF THE NORTH CAROLINA RULES OF APPELLATE PROCEDURE.

In re: A.K.J.	18-510	Forsyth
In re: B.A.S. & K.H.S.	18-511	Rockingham
In re: C.K.C. & W.T.C., III	18-592	Catawba
In re: R.L.O., L.P.O., C.M.O.	18-593	Iredell
In re: E.B.J.	18-633	Alleghany
In re: I.N.S.	18-647	Surry